

MAY 01 2006

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William E. Woods - Bateman, MPH
Executive Director

Honolulu Charter Commission
Mr. Donn M. Takaki, Chair and Commissioners
711 Kapiolani Boulevard, Suite 1485
Honolulu, Hawaii 96813

May 1, 2006

Dear Honolulu Charter Commissioners:

I sincerely believe your Honolulu Charter Commission has endeavored to maintain a high level of communication and ethical conduct in your proceedings. In keeping with that intent, City policy and the public's expectations of doing what is right, I believe there is a substantial conflict of interest by one of the commissioners that needs to be made public. Also I believe that this conflict has and does pose a serious barrier to the continued fair review and discussion of several proposed amendments. I would hope that the commission would promote a corrective response and promote the said commissioner to recuse himself when it comes to these issues.

Specifically, as a representative of this non-profit community service organization, I was a plaintiff in a highly visible lawsuit against Malcolm Tom and the Mayor Harris administration. The case was related to issues specifically contained in your proposed amendment #41. Mr. Tom was sued because he was the primary facilitator of a City event using City resources to promote an event that was discriminatory under current ordinance as well as specific updated elements of Proposal #41. The lawsuit was settled out of court with no specific designation of wrong-doing, but the City was required to make corrective rules, pass Council resolution, and pay the attorneys handling the lawsuit \$85,000.

I fully believe that Mr. Tom's lack of declaration of this conflict to me, the organization and to related specific issues has been detrimental and prejudicial to the past review and actions of Charter Proposals 41, 9, and 13 (virtually the same as another that I drafted, but only one went forward) of which I have been a primary author, supporter, and testifier. My relationship with these proposals has been stated at various meetings of the Honolulu Charter Commission. Additionally, I prepared testimony on behalf of the GLEA Foundation, which I represented in the aforementioned lawsuit. Other testimonies I presented were also on behalf of NAACP, Japanese American Citizen's League and others which I believe may have been harmed by this conflict and related commentaries of Commissioner Tom that were unknown by the other commissioners.

In conclusion, I am requesting that this conflict of interest be fully noted at any upcoming meetings of the Honolulu Charter Commission by Mr. Tom or the Commission should he not so declare the conflict. I would also request that Mr. Tom recuse himself for future deliberations regarding Proposals, 41, 9 and 13 for the same reasons.

Sincerely,



William E. Woods-Bateman, MPH